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## Crossing the Rubicon: Making a Case for Refining the Classification of Jihadist Terrorism

by Robert Wayne Hand

### *Abstract*

*This paper posits that our current understanding of Jihadist Terrorism as a monolithic sub-type of Political Terrorism is flawed and that as a result our governments counter this threat with inappropriately-adapted methods. The author argues: (A) There is a sub-type of Jihadist Terrorism that is more consistent with Walter's 'Military Terrorism' or Feldman and Hinojosa's 'Guerrilla Warfare' than within the typology of Political Terrorism; (B) The author-proposed sub-type of 'War Terrorism' should be accepted, examined, defined, and established; and (C) Establishing the author's sub-type will allow western democracies to devise better counter-terrorism strategies while protecting the civil liberties of their citizens.*

**Key Words:** Jihadist, military, guerrilla, terrorism, typology, counter-terrorism, civil rights, law enforcement, classification, theory, definition

*The problems begin when the civil society of a democratic nation-state, in seeking to understand a phenomenon of vital interest, discusses the issues and decides on an action plan without agreeing what its definitions, words, and concepts mean.[1]*

*Professor Frank Teti*

### *Preface*

“**N**early thirteen years after Walter Lacquer's ground-breaking book *The New Terrorism: Fanaticism and the Arms of Mass Destruction* (Oxford University Press, 1999), and only three years after the dust of the debates on 'New Terrorism' have settled, the classification has been accepted, our foundational texts are written, and the taxonomy and typologies are in place. In fact, the publication of Alex P. Schmid's edited volume *The Routledge Handbook of Terrorism Research* (Routledge, 2011; hereafter, *The Handbook*) should be considered a 'capstone achievement', and represents both a comprehensive updating of the discipline and a closure of the debate relating to New Terrorism.[2] This 'critical mass' of information and collaboration means that terrorism studies now have the most complete volume of high-value, cross-referenced academic material available. From a theoretical viewpoint, few questions remain.

In parallel to the paradigm, taxonomical, and ontological advances, however, we must also note that the attacks in the US, London, Madrid, and elsewhere in the territory of the EU[3] have resulted in an increased focus and legislative action from our own governments—not all of which has been consistent with the recently-established academic understanding of the threat. Somehow, and despite the relative rareness of that style of Jihadist Terrorism, our governments appear to have



perceived those attacks as threatening our states' vital systems. Certainly, in the US and the UK, the political leadership feels the need to be seen as being proactive in combating this threat.

Consequently, the institutional fear created on the days of the 9/11, 7/7, 21/7, and the Madrid attacks has resulted in an unparalleled growth in the remit of, and powers granted to, our law enforcement and intelligence agencies in the name of public safety and security. The end result is that while most of the actions undertaken by our security agencies are professionally beyond reproach, occasionally they are not[4] and our democratically-elected governments now routinely pass laws and regulations in the name of collective security that undermine our rights and destroy the very fabric of our liberal democratic societies. One could reasonably ask, "Have the terrorists won?"[5]

This paper takes a step back from the current deductive thinking that has guided our classifications and typologies[6] and examines Jihadist terrorism from both *inductive* and *foundational* perspectives. It uses EV Walter's original classifications of terrorism augmented by both the works of his contemporaries and the most recent, proven work in the field to consider the reality of the jihadist operation at 'the point of attack', the processes required to reach that point, and the goals of the operation. The findings of this study are significant. Our inductive reasoning[7] ultimately leads us to propose that Jihadist Terrorism is not monolithic, but contains at least two discrete sub-types. Furthermore, we can conclude that by understanding this bifurcation in the typology, we can advise and assist counter-terrorism professionals to construct more effective and efficient protective systems at the national level, and governments to legislate and regulate necessary activities while simultaneously protecting our democratic freedoms.

In the conduct of this evaluation we also discover that the two sub-types can be discretely characterised as; one (largely transnational and Al-Qaeda affiliated) where Jihadists undertake a *campaign*[8] of terror involving training and operations closely resembling a military action and desiring a cumulative effect of eroding a state's control and legitimacy;[9] while in the other the perpetrators are individuals or small groups whose motivation is purely political and who seek to attain a clearly-expressed political goal.

We seek to answer directly, or at least suggest answers for the following critical research questions: Why do some international groups (*e.g.*, Al Qaeda) want to acquire weapons of mass destruction and 'dirty bombs' while others prefer to rely only on explosive devices? Why did the 9/11 attacks target the US centres of economic activity and national political control rather than purely political targets? Are Islamic insurgencies (*e.g.*, *Boko Haram*, *Taliban*) using terrorist attacks and the tactics of Jihadist Terrorists, those of paramilitary insurgencies, or a combination of them both? Are Al Qaeda and, say, the Provisional IRA essentially similar in their operations and desired goals?

The author of this paper does not desire to 'reinvent' the already-quite-efficient wheels of New Terrorism, Political Terrorism, or the typologies accepted and agreed. This paper does not contain any revolutionary theoretical approaches. It is simply, as admonished by Teti (above), an attempt to be very specific in our definition of Jihadist Terrorism typology so that we can be consistent in our taxonomy and gain a better understanding of a phenomenon affecting our security and existence. Consequently, this paper acknowledges and is consistent with the traditional framework of terrorism studies established by such eminent academicians as Walter, Laqueur, Wilkinson, and Schmid. Likewise, the author accepts as 'given' the standard definitions of this discipline. The superb compilation of material represented in *The Handbook* has also been invaluable in conducting this examination and defining types of terrorism. The only issues that remain open to debate, then, are those of either interpretation or where there is a lack of an agreed definition. It is in this specific and narrow realm we operate to refine our definitions and typing of Jihadist Terrorism.



This paper posits that: (A) There is a *sub-type* of Jihadist Terrorism that is more consistent with Walter's 'Military Terrorism' and Feldman and Hinojosa's 'Guerrilla Warfare' than within the typology of Political Terrorism; (B) The author-proposed sub-type of 'War Terrorism' should be accepted, examined, and defined; and (C) Establishing this sub-type will allow western democracies to devise better counter-terrorism strategies while protecting the civil liberties of their citizens.

## *Dilemma*

Since the 9-11 attacks, governments and academics around the globe have been struggling to understand, define, and counter what is considered a somewhat familiar form of terrorism with a Muslim extremist variant. It is familiar to us because the videos on our televisions and the internet appear to be echoes those the IRA, ETA, Baader-Meinhoff, the Red Brigade, and other politically-motivated terrorist groups made years ago.[10] Likewise, claims of political oppression, threats of attacks, and the use of asymmetric methods to terrorise and kill non-combatants looks and feels like the Political Terrorism we in the West know so well. Many of the groups use similar crime-based networks, logistics structures, or methods to amass their weapon(s) of choice.[11] Operational training for and execution of the attack continues in much the same manner.[12] Even the means of attack are often similar.

As a result, we have largely reacted to Jihadist Terrorism by taking many of the same operational, legal, and security measures we did in the previous four decades of dealing with Political Terrorism—adapting them only slightly (and usually to the detriment of our civil rights) to cater for the Jihadist terrorists' actions and methods of attack (*e.g.*, suicide bombing) and adjusting them for the modern world (*e.g.*, mobile phones, 'SMS-texting', internet, and the globalisation of ideas and logistics).[13] The cost to our civil societies and our democratic rights has been determined to be acceptable by most, although there are increasingly frequent legal challenges to what have become routine infringements on civil liberties.

But, herein lays the seed of the problem we face today. We intrinsically sense that Jihadist Terrorism of the 21<sup>st</sup> Century is the same as, or a subset of, the Political Terrorism of the previous decades. In our eyes, the political goals and trappings are only *modified* by a religious aspect and updated for a globalised and technologically-progressed world. In other words, we have *deductively* pre-selected Political Terrorism as the category, 'defaulted' to counter-terrorism methods designed for Political Terrorism, and executed accordingly.[14] Today, our laws, bureaucracy, counter-terrorist structures, and even our outlook reflect the familiar playing field of Political Terrorism of the 20<sup>th</sup> Century, but have been adapted—often to society's detriment—for the New Terrorism.[15] The 'spectacular' nature of much of 21<sup>st</sup> Century Jihadist Terrorism has, indeed, disproportionately influenced western perceptions of the severity of this threat.

The seminal theories of modern terrorism, however, suggest the possibility of taking a different path—of considering at least a portion of Jihadist Terrorism as something other than political in nature. If we can agree with Wilkinson that Jihadist Terrorism is something different[16]—a new twist on terrorism—then we should return to our academic methodology and ensure that we dissect, classify, and type it accordingly. This examination has not yet occurred, but the time is ripe for it and the results of this evaluation will allow us to craft a credible and more productive response to Jihadist Terrorism that also promotes the preservation of civil liberties and rights in our democratic nation-states.



## *Foundations, Definitions, Classifications, and Sub-types*

Surveying the texts from the beginning of the systematic study of modern terrorism we find that the majority originate from the 1960s and early 1970s. EV Walter's own *Selected Bibliography* from 1969, as extensive as it is, suggests that almost all of it was deductive and little serious work was done in foundational theory, identification of root causes, analyses of operations, taxonomy, lexicon, typology, or even a cursory synthesis of the various aspects of terrorism until at least the late 1950s.[17] This is rather surprising given that the first example of modern terrorism was in the French Revolution,[18] there were clear indications of a major terrorist movement in Russia in the 19<sup>th</sup> Century, [19]and that from the 1920s to the 1950s Ireland and the UK were most certainly on the European terrorist map.[20]

Regardless, the reality is that Walter, in his 1969 examination of the use of terror in primitive African communities (*NB*: an *inductive* examination), was able to codify our discipline. He established the foundational definitions for State Terrorism on page 5, systems of terror on pages 6 and 7, and the taxonomy of Civil (Political)[21] Terrorism on pages 7-13. His main and most important conclusion is that Political Terrorism, be it in the form of a 'reign of terror' or a reaction against the state, is intended *to control*. [22]

But as early on as page 14, Walter also acknowledges that there is Military (War) Terrorism. Walter defines this with the following words:

Military Terror is different. When terrorism is used in a war of extermination, the aim is to paralyze the enemy, diminish his resistance, and reduce his ability to fight, *with the ultimate purpose of destroying him*. [23] [emphasis added]

Later, and this was subsequently supported by his case studies, Walter suggests yet another form of terrorism (Ethnic). [24] In a separate examination, Wardlaw, who was critiquing the works of Wilkinson, extrapolates the category of Religious Terrorism. [25] Therefore, according to Walter and Wardlaw, within our taxonomy and by way of a summary we have four main categories of terrorism:

- (1) State Terrorism—The government uses terror to control its constituents. (*e.g.*, The French Revolution, The Soviet Union, Libya under Qaddafi)
- (2) Political Terrorism—Non-governmental forces and individuals use terror to control government and/or affect government policy and decision-making. (*e.g.*, ETA, IRA, Bader-Meinhoff, Red Brigade)
- (3) Military (War) Terrorism—An external force/organisation uses terror against a state/entity to destroy it.
- (4) Religious/Ethnic—A homogenous religious/ethnic group uses terror to dominate and control another religious/ethnic group. (*e.g.*, Rwanda, aspects of Ethiopia-Eritrea War, Sudan)





In keeping with our earlier claim of not trying to re-invent the already-quite-efficient wheels, we acknowledge that several previous authors have attempted to define and categorise terrorism. In *The Handbook*, Easson and Schmid provide a chronological list of more than 250 individuals and organisations who have attempted to define terrorism.[26] What becomes conspicuous when reading this exhaustive list is that while most have correctly placed it within the broad spectrum of Political Violence, some have narrowed the classification so much that they have equated Terrorism (one form of Political Violence consisting of several classifications) with a singular classification within Terrorism—Political Terrorism (*e.g.*, Devine and Refalko (1982), Della Porta (1988), and Houghton (1995) to name a few).

Helpfully, a complete reading of Easson and Schmid's appendix also shows many *more* authors, who appropriately define terrorism as one form of Political Violence, and that terrorism, itself, includes several sub-classifications. For example, one author writes specifically on our subject of 'Military' or 'War' Terrorism (Douglas Lackey, writing to define 'Wartime Terrorism' in 1989). After examination of the definitions, it is revealed that all of Walter's original classifications are represented and none are refuted. It is therefore reasonable for us to accept that Walter's classifications, having survived the academic tests required, can be used as the basis of our examination.

Returning to our examination, we recall that our main purpose in this paper is to re-examine the classification and typing of 21<sup>st</sup> Century Jihadist Terrorism. It is clear that this does not fall into the classification of State Terrorism, leaving us with three options; political, religious/ethnic, and military. Logically, since we are dealing exclusively with Jihadist Terrorism, we could perhaps make the case that it is a sub-type of Religious Terrorism. For that to be a legitimate decision we must prove that the purpose is to *convert* the target (*i.e.*, the West) to Islam. In both subsets under study, however, conversion was not the jihadist's goal. Since 9-11 far more Muslims have suffered at the hands of Jihadists than have non-Muslims worldwide (*e.g.*, Indonesia, Pakistan, Iraq, Iran, Afghanistan, *etc.*); a fact that also undermines religious conversion as a motivator.[27]

To further refine our identification and typing of 21<sup>st</sup> Jihadist Terrorism we should also examine the goals of the attacks that occurred on western territories since 9/11. Considering our own study subject we can determine from the propaganda, martyrdom recordings, and press releases from the 9/11 and 7/7 attacks that the intent was to *destroy* and not to convert (or more appropriate to Qur'annic teachings, offer the chance to convert and then punish refusal). Indeed, the videos and propaganda suggest that the Al Qaeda-affiliated jihadists desired to create turmoil and undermine the existing governmental systems as part of a campaign of terror, the ultimate goal of which was that the targeted non-Islamic states would self-destruct. Terrorism of this type and conducted within the framework of what resembles a campaign designed to destroy the established state falls at least partially within Feldman and Hinojosa's definition of Guerrilla Warfare.[28] These facts further call into question Religious Terrorism as a motivator for 21<sup>st</sup> Century Jihadist Terrorism. The resulting situation yields our two focal candidate categories: Political and War Terrorism.[29]

In doing so, we find that in the Jihadist Terrorism attacks *after* 9/11, London (both 7/7 and 21/7), and (to an extent) Madrid, the perpetrators espoused purely political and/or religious motives (*e.g.*, Martyrdom recordings and press releases cite revenge, the removal of troops from Islamic territories, protection of Muslim rights in a western country, and the cessation of hostilities against Muslims in the international political arena and foreign military operations as the prime motivators).[30] The end goals of this subset of attacks are, therefore, consistent with our



understanding of Political Terrorism and entirely different (and more completely understood) from those of the first subset (9/11/London/Madrid).

Our interim findings from this portion of our examination are: (1) In 21<sup>st</sup> century jihadist operations, there are two subsets (pre- and post-9/11/London/ Madrid) that are similar in their mechanics, but can be differentiated and exclusively typed by their goal; (2) The goal-related aspect of *destruction* is only prevalent in the 9/11/London/Madrid subset; (3) The goal of destruction suggests a sub-type of Jihadist Terrorism more akin to Walter's Military Terrorism or Feldman and Hinojosa's Guerrilla Warfare than that which is political in nature.

From both a legal and a counter-terrorism point of view, these findings already highlight a significant difference from our current understanding and imply the requirement to formulate two different sets of countermeasures. Yet, we are reminded that our governments have so far treated them as equivalent forms of Jihadist Terrorism and legislated in line with that determination.

### *Empirical and Qualitative Revelations*

To support our claim that the fear of Jihadist Terrorism in our liberal societies has, 'disproportionately influenced western perceptions of the severity of this threat' and further support our findings of two sub-types we must first examine the empirical data. Our data set for this examination is the open source-based *Global Database on Terrorism* (GDT),[31] which is a product of the National Consortium for the Study of Terrorism and Responses to Terrorism (START) based at the University of Maryland in the US.[32] As we seek to evaluate the number and nature of jihadist attacks on the territory of 'western' states, we have limited the data to those attacks occurring on the territory of the US, Canada, and within the territory of the European Union as we have broadly defined it in our opening paragraphs.

In searching for incidents occurring from 11 September 2001 to 31 December 2010,[33] we find that there were 943 incidents, of which only 27 were attempted or perpetrated by Islamists (*i.e.*, just under three percent). Of those 27 Islamist-related incidents, 20 were multiple-incident events (four in the US in the 9/11/01 attacks, four each in London in the 7/7/05 and the 21/7/05 attempted attacks, six in Madrid, and two in Sweden—which were, incidentally, perpetrated by the same person within close temporal proximity).

Of the seven remaining incidents, one was sectarian in nature (attacking an Iraqi absentee polling station in Sweden), and another one was clearly focused on a diplomatic building. The remaining incidents (Richard Reid (the 'Shoe Bomber'), Umar Farouk Abdulmutallab (the 'Underwear Bomber'), the attack on Glasgow Airport, the UPS/printer cartridge bombs, and the un-realised attack on two German commuter trains) had only a minimal chance of producing mass casualties or a 'spectacular' that would remind us of 9/11, London, or Madrid. The minimal potential to produce mass casualties in two of the five incidents and the lack of strategic targets (*i.e.*, targets essential for a society's wellbeing and governance) in *all* of these events means that the likelihood of causing severe damage to the state or the society on whose territory the attack took place was small if not miniscule.

The data and analysis from the last seven of our incidents, then, naturally leads us away from an attack intended to disable a state and to the conclusion that the GTD Criterion II[34] is in play (*i.e.*, "There must be evidence of an intention to coerce, intimidate, or convey some other message to a larger audience (or audiences) than the immediate victims." [35]). Arguably, and as many of the critics of this paper will *correctly* assess, none of these seven incidents, alone or together, had the potential to destroy the state on whose territory it occurred. These seven cases, then, fully adhere to



our understanding of Political Terrorism that, while conducted in a highly-sophisticated manner, were intended to ‘coerce, intimidate, or convey some other message...’.

However, turning to the previous 20 incidents, there are a few logical inconsistencies if we attempt to apply that determination to the 9/11, London, and possibly even the Madrid attacks. Considering the 9/11 attacks alone leads us to ask that if the perpetrators desired to instil fear in a third party, would not a claim of responsibility been left, made, or expected soon after the event? (We would remind the reader that it was a number of weeks before Osama bin Laden made a first statement on behalf of Al Qaeda, and even then, it was a denial of involvement.[36]) Target selection, as well, would seem to match that of Political Terrorism, but the functions of the World Trade Centre Complex (*NB: a major US monetary hub and financial district similar to ‘The City’ in London*) as well as the Pentagon (and, presumably, the capitol or the White House that were to be the target of United 93) were clearly documented before the attack as being vital portions of the US economy and her National Command structures. Had this attack been wholly political in nature would not a strike on, for example, the Sears Tower in Chicago by United 93 been even more successful at spreading the coercive influence throughout the *whole* of the US and not just the East Coast? After all, United 93 would nearly have covered such a distance by the time it crashed in Shanksville, Pennsylvania.[37]

Our review of the data also implies that there is also a qualitative aspect to consider. It is, for many, sufficient that the 9/11/London/Madrid attacks were ‘spectacular’, and this aspect qualifies them as unique and New Terrorism. But such a characterisation does not account for the true dimension of terror and the potential for future fear that was instilled on that day. As the director of Ditchley Park said in a recent conference on the 9/11 attacks, “It had been extremely emotional, particularly for the Americans, and its nightmarish quality had captured the imaginations of billions of people around the world.”[38] The fact that the multiple-incident events were perpetrated by teams of assailants, all of whom had extensive training, funding, and indoctrination by Al Qaeda and whose actions were orchestrated in a manner consistent with a military operation intended to cripple the targeted governments, suggests a level of sophistication beyond the terrorism experienced by most of the western world. The 9/11 attacks, as an example, were devised, planned, funded, provisioned, provided intelligence, guided, and more by what amounted to a global, non-state organisation designed to recruit and train terrorists to execute the designated mission.[39] It is most likely these practical aspects and the potential for such military precision to be brought to bear again in the name of *jihad* in the future that have so gripped our lawmakers and resulted in our extensive counter-terrorism laws since 9/11.

## *Implications*

We have established that Political Terrorism seeks to coerce or control.[40] The ultimate goal is to bend the will of the established government to the desires of the terrorist group. The terrorists hope to attain an end-state that results in either the group having more influence in decision-making *or* to so degrade the population’s faith in the ability of the ruling government that a change of government is precipitated and the terrorist group remains a controlling force.[41] To restate an accepted axiom, Political Terrorism usually desires a lot of activity (a ‘big bang’), but few casualties so that the terrorists can win the hearts and minds of the population over to their side of the fight. Political Terrorism usually arises from within defined geographical limits. Peter Neumann calls this the, “physical centre of gravity”[42] and goes on to explain that it may be located within a country, region, sub-region, or even straddling a border—but that there *is* a physical location to which the terrorists’ struggle can be tied and identified.[43]



At a very practical, counter- and anti-terrorism practitioner level there are certain indicators that are largely consistent with Political Terrorism. Since *control* is the desired effect, the Political Terrorist group usually desires to survive beyond the terror campaign so that they may exercise that control. As a result, secrecy and security are required to ensure survival even after an attack. While it is acknowledged that some individual members may not survive certain operations,[44] the leadership and the group as a whole must logically remain intact so that it can exercise its control after achieving capitulation. Additionally, the use of code words and advance warning of bombings serve the triple-pronged purposes of minimising the loss of life (necessary for maintaining public support), contributing to the terror campaign experienced by the population (thus undermining confidence in the government), and proving to the government that the group can and will act with impunity.[45] These can be protected against by the more routine counter-terrorism efforts we are familiar with since the mid-20<sup>th</sup> Century. For the counter-terrorism professional, large groups or waves of suicide bombers, the desire for mass casualties, and the use of Chemical, Biological, Radiological, and Nuclear (CBRN) weapons are *not* a normal manifestation of Political Terrorism, or a characteristic of such groups.[46]

When we apply our established taxonomy to the more military interpretation of Jihadist Terrorism, [47] however, we see significant contrasts with Political Terrorism. It is true, for example, that if we analyse the propaganda and statements issued by Al Qaeda and its affiliates, Jihadist Terrorism appears to fall under the umbrella of Political Terrorism. However, looking at the deeper, motivational issues of a particular subset of Jihadist Terrorism leads us to a contrary position. Foremost is the fact that in this subset the Jihadist Terrorist does *not* seek to control or sway the decision-making apparatus of a nation-state. He (or she) seeks to destroy, weaken, or paralyze.[48]

Further, there is often no requirement for a geographic centre of gravity within which Jihadists limit their attacks. Unlike the IRA, ETA, or Baader-Meinhoff, the Jihadists who appear to be engaged in a form of Military Terrorism deliberately work from *outside* a country in many cases; training and preparing for attacks in isolated camps that guarantee security such as in Pakistan, Afghanistan, and Sub-Saharan Africa. Their organisations are international and, quite often, virtually linked through the internet, mobile and international satellite telephones, and other forms of modern technology. As a result, there are no 'home base' logistics signatures, security vulnerabilities arising from home basing, nor is there an easily apparent centre of gravity for counter-terrorism forces to attack.

Next, contrary to political terror groups (P/IRA, ETA, Marxists, etc.), many Military (War) Jihadists accept—indeed desire—to acquire weapons of mass destruction and cause mass casualties as a result of their attacks. This is wholly consistent with the definition of Military Terrorism (as modified to 'War Terrorism' by the author because it can then include non-state terrorist groups that seek to destroy a nation-state or society). Logically, War Terrorism also includes the use of weapons and methods that result in mass casualties. As a result, multiple simultaneous or waves of suicide bombers, CBRN weapons, and coordinated attacks (suicide or other) resulting in mass casualties feature prominently in a military form of Jihadist Terrorism. In fact, in Chapter 10 of *Homeland Security in the UK*,[49] Frank Gregory covers in rather excellent detail the practical issues confronting counter-terrorism operators when these non-standard (from the point of Political Terrorism) aspects are part of terrorist operations.

It is at this point that we have tipped the scale and appear to be able to support the creation of the sub-type of War Terrorism as proposed in our thesis.





## So What?

For the reader approaching this paper (appropriately) with a sceptical mindset, it may seem that the re-classification of a relatively small portion of 21<sup>st</sup> Century Jihadist Terrorism from Political to War is of little practical use. However, we should pause a moment to review the underlying and rather significant implications of such a change. Otherwise, the definition refinement proposed is a purely academic exercise with no practical application for the state or its counter-terrorism efforts. In the main, there are four major issues that must be resolved if we accept the classification:

- (1) The most significant issue is the recognition that Jihadist Terrorism, by virtue of being War Terrorism, does *not* originate from within the territory of the European Union. As such, it has an extra-territorial dimension that is not accounted for in most of western criminal and civil law. While it is true that cells and operations may be located and even originate from within the territory of the EU (and will need to be dealt with accordingly in counter-terrorism operations, civil, and criminal law),[50] the driving force and basic motivation do not originate from within the EU.[51] *To pre-emptively deal with the root causes, therefore, nation-states must consider the political and legal issues involved in extra-territorial action*—either independently or in concert/agreement with other nation-states. This condition further suggests that the necessary legal and bureaucratic structures must be formulated and built to work beyond the bounds of the recognised state.
- (2) Furthermore, since the proposed subtype of Jihadist War Terrorism is focused on destruction, and by design effectively follows a military campaign plan using terrorism as its tool, counter-terrorism professionals must consider the implications of what is the terrorist's 'military operation.' By examining the Jihadists' actions as a military operation and not as a series of criminal infractions, counter-terrorism experts will gain added knowledge that will contribute to the destruction of the terrorist organisation at a much deeper and more devastating level than the operations cell alone. This will also allow counter-terrorism experts to apply their limited resources to identifying the points of vulnerability and use a proven and internationally understood methodology that will act as an anchor point for cooperation with organisations beyond the borders of the nation-state or political territory.
- (3) The legal foundations in place for dealing with non-political Jihadist Terrorism will need a significant re-look. Our existing terrorism laws remain focused on prosecuting criminality at an individual level. The punishments vary in severity proportionate to the potential loss of life or property. Arguably, however, Jihadist War Terrorism is intended to destroy or disable the *state*. As such, sedition and treason are the closest parallels to the intent of the Jihadist War Terrorist—but neither has been applied to terrorism law. It is true that numerous governments have amended their laws to specifically take into account all categories of terrorism as a homogenous group, but the procedures and punishments fall squarely in the civil realm. *If we accept that the Jihadist War Terrorist is, in our terms, a combatant who seeks the destruction of a nation-state, then we must also accept that civil and criminal law likely will not be a deterrent to potential members who are resident within the nation-state*. Additionally, continuing to prosecute under extant laws will often lead to insufficient action and unequal treatment of the perpetrators in different nations. This also implies that we will need to devise a way to separate that which is jihadist Political Terrorism from that which is jihadist War Terrorism, and prosecute accordingly.
- (4) Finally, refining the definition of Jihadist Terrorism to include at least the two sub-types discussed ('Political' and 'War') should lead to an increase in the efficiency in the state's counter-terrorism effort. Counter-terrorism efforts, in their current form, are the arena of *civil* protections (i.e., the intelligence services and police forces). As a result, there are elements of these and other national resources that cannot be effectively applied to combat Jihadist War Terrorism as a result of



civil liberties and constitutional issues. Indeed, while some states have established specific paramilitary organisations to deal with terrorism the fact is that all the states currently place restrictions consistent with their constitutions and civil law on the information sharing, operations, authority, and jurisdiction of their counter-terrorism regimes. By refining the definition of Jihadist Terrorism to include Jihadist Political Terrorism and Jihadist War Terrorism as sub-types, we lay the foundation for treating a political terrorist appropriately and within accepted civil rights guarantees, while in the case of the War Jihadist the nation-state can legally level the playing field and bring all potential counter-terrorism assets to bear. The refinement will also facilitate the emplacement of multi-national systems for cross-border cooperation, intelligence sharing, authority and jurisdiction.

### *Crossing the Rubicon—Into the Unfamiliar*

There is, perhaps, one more issue to be dealt with if this paper is to be ‘complete.’ We must acknowledge that the taxonomy of Military (War) Terrorism as a whole is yet to be fully developed. Walter’s definition[52] and few additional explanatory words as well as the works of Wilkinson, Laqueur, Lackey, Feldman, Hinojosa, and others have left us only with the terms Military Terrorism and Guerrilla Warfare and their association with a state or a non-state organisation directing a military-style campaign of terror. There is little more beyond this. Perhaps the only deduction we can make is that behind this concept there was always the notion of an identifiable power centre in a conventional sense (*i.e.*, a leadership regime that can be identified, located, and perhaps targeted as a way to combat the campaign of terror).

Here is one point where we differ from the underdeveloped concept of Military Terrorism. If we look beyond Al Qaeda and its affiliates we still see numerous cells and groups willing, *without* direction from a central point or hierarchy, to engage in Jihadist Terrorism. This is a clue to understanding and combating the War Jihadists.[53] Jihadist Terrorism is a result of a structure where the ideology, itself, is the guiding leadership.[54] There is no need for a guiding person, council, or state—no physical entity. The notion of *jihad* and the extremist view of the Qur’an is centred within the individual, and not required to be directed from recognisable headquarters (*NB*: This is fully consistent with *both* Political and War Terrorism). These internal focal points cannot be eliminated in the same way as the leadership of conventional Military Terrorism. Jihadist Terrorism as a whole is, as a result, pervasive and spreads directly and indirectly through the transmission of ideas and beliefs. It is exactly these aspects that have made it so difficult to quash and so uniquely different from the Political Terrorism we have experienced in our western history. It is also these aspects that further justify the proposed refinement of the definition so that the type ‘Jihadist Terrorism’ can contain ‘Political’ and ‘War’ sub-types.

As we stand today in our western democracies and civil societies, our efforts to fully understand and deal with the Jihadist threat have not been entirely effective. We have maladapted our criminal laws, blurred our constitutional lines, and lost much of the civil liberties our western nations were built on in an effort to deal with a style of terrorism that is different and new to us. If, however, we re-visit the seminal works on terrorism we can see that there is both a gap and a legitimate foundation for a refinement of the classification that can bring us back into balance. We only need to cross our Rubicon and go into the uncharted land of ‘War Terrorism’ to be able to be more effective at combating Jihadist terror in both of its forms.

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## Notes:

[1] Professor Frank Teti, Lecture: “*The Problems of Civil Societies*” (Naval Postgraduate School, Monterey, California, August 1991).

[2] Among the first of the foundational texts that provides a definition and taxonomy for *New Terrorism* is Peter Neumann’s 2009 book: *Old & New Terrorism* (Polity Press, Cambridge 2009). This was followed two years later by Alex P. Schmid’s edited volume *The Routledge Handbook of Terrorism Research* (Routledge, London 2011). This volume was later published in electronic form for Amazon Kindle by T & F Books, UK, which is the version used in this paper as “Schmid, AP (2011)”.

[3] The ‘European Union’ (EU) for the purposes of this paper is broadly defined as all EU member states as of 1 January 2012 and the geographically encompassed areas of Switzerland, Norway, the Isle of Man, Northern Ireland (as part of the UK), Gibraltar, and Corsica (as part of France).

[4] A case in point was the shooting of Jean Charles de Menezes in the Stockwell Tube Station in London on 22 July 2005.

[5] See Hewitt, S (2008), Chapters 4 and 5, for an excellent discussion on the ‘reactive’ nature of the United Kingdom’s anti-terrorist law development and its erosion of civil rights.

[6] Marsden, SV and Schmid, AP in Schmid, AP (2011), p. 192.

[7] *Ibid.*, Marsden and Schmid cite AL George and make the point that, “The inductive route may be considered particularly useful in [improving typology], as it allows a building-block approach, where further data may be applied to typologies in order to enhance or challenge them, thereby countering the possible reification of the subject.”

[8] “Campaign” as used by the author denotes a series of events, actions, or attacks that are orchestrated and coordinated so that over a period of time they will attain a specific goal of defeating an enemy.

[9] Schmid, AP (2011), p. 14. Schmid quotes the response of GA Sahni, Executive Director of the Institute for Conflict Management in New Delhi, “What matters is not the immediate or direct impact, but the ripples it will create. And with a thousand little pebbles, the wasted, crumbling, degenerate walls and structures of this system will collapse, and a deluge will wash away the ‘evil of the world’.” This highlights the goal of destruction some jihadists harbour.

[10] Dobson, C and Payne, R (1979), pp. 151-192; Hewitt, S (2008), pp. 9-11.

[11] For a more complete understanding of the methods of supporting terrorism and their results see, in combination, the majority of James Adams’ excellent book *The Financing of Terror* (1986) (especially Chapters 5 and 6, pp. 136-196), Dobson and Payne’s *The Weapons of Terror* (1979) (Chapter 5, pp. 78-94), and Hewitt’s *The British War on Terror* (2008) (pp. 21, 37-38, 58-60).

[12] Neumann, P (2009) pp. 6-8, 25-37. Hewitt, S (2008) Chapter 1. For related issues, see also Wardlaw, G (1982) Chapters 6 and 7 (pp. 50-62).





[13] See all of Part III (especially pp. 117-320) and Part V (pp.371-394) of Wilkinson, P (ed.) (2007) *Homeland Security in the UK: Future preparedness for terrorist attack since 9/11*. See also: Neumann, P (2009) pp. 52-73. Hewitt, S (2008), pp. 82-85. For specific methods and results, see: Bowman-Grieve, L (2011) "Chapter 6, The Internet and Terrorism (Pathways to Terrorism)", *The Psychology of Counter-Terrorism* (ed. Andrew Silke), pp. 76-88, and Fussey, P (2011) "Chapter 12, Deterring Terrorism? (Target-hardening, surveillance, and the prevention of terrorism)", *The Psychology of Counter-Terrorism* (ed. Andrew Silke), pp. 164-185.

[14] Hewitt, S (2008), in Chapter 1 covers the progression of terrorism and parallels its development with that of the legal and operational framework for counter-terrorism. Hewitt clearly shows that the government's responses were incremental and evolutionary in nature. In "Chapter 2, The Rules of the Game are Changing: From 9/11 to 7/7", Hewitt continues the chronology of terrorist acts, indicating the shift to jihadist terrorism, but also shows clearly that the UK government's response was, again, incremental and in line with the philosophy that the 'new' form of terrorism was political in nature.

[15] It is interesting to note, for example, that Neumann, Hewitt, and Silke, all begin their books with a definition that is consistent with Walter's definition of Political Terrorism, and then go on to analyze their respective subjects within that context. Only Wilkinson (ed.) (2007) in his *Part I. Introduction* appears to avoid the trap of limiting his categorization options early, by referring to *Al Qaeda* and similar jihadist terrorists as a new form different from, "...more traditional terrorist groups such as ETA and FARC." (p.7) and by defining terrorism without the word 'political' that is prevalent in the other publications mentioned. Furthermore, Wilkinson draws a clear distinction between internal and external terrorism—suggesting that at least one form of jihadist terrorism is the latter, and therefore 'different' from what the West has known before. (p. 6). Even Wilkinson falls partially foul, however, of predetermining the category by writing, "However, in an operative democracy the major threat of terror is posed by non-state movements or groups seeking to destroy or undermine democratic government and to impose their own agenda by coercive intimidation." (*Ibid.*) Wilkinson's explanation leaves the door open for us to consider Military (War) Terrorism, but still appears grounded in the vernacular of Political Terrorism by using phrases like, "...impose their own agenda..." and "...coercive intimidation...", which suggest political motivations and not the destruction and subjugation sought by the practitioners of War Terrorism.

[16] Wilkinson, P (2007), p.7.

[17] Walter, EV (1969) pp. 367-374. The bibliography, itself, is a wealth of information and lists numerous publications pertaining to the study and investigation of tribal social structures (primarily in Africa), the role and responsibility of a nation in maintaining order, concepts of group identity, anthropology, and civil disobedience. It has, arguably, only one book listed that is at least partly dedicated or directly relates to the study of terrorism: Brian Crozier, *The Rebels: A Study of Post-war Insurrection* (London, 1960). Walter lists four other, shorter publications that are also dedicated to terrorism as a topic, but they are relatively obscure and from the 1930s. Walter's book is considered a seminal text precisely because there was a dearth of analysis and systematic study of terrorism up to the 1960s and his was one of the first dedicated studies of the subject.

[18] *Ibid.*, pp. 4-5.

[19] Wardlaw, G (1982) pp. 19-20.

[20] Hewitt, S (2008) pp. 12-15.

[21] The term "Political" was eventually adopted in the early 1980s during further theory development to encompass and categorise the numerous forms of civil terror (e.g., revolutionary, counter-revolutionary, economic, etc.) the goal of which to affect or control political process or government. See: Wardlaw, G. (1982) pp. .

[22] Walter, EV (1969) p. 13, "...the proximate aim is to instil terror; the ultimate end is control." [*sic*]

[23] *Ibid.*, p. 14.

[24] This can be deduced from Walter's examination of power in tribal societies, and becomes apparent when he begins discussing the power structures that emanate from the band, tribe, chiefdom, and kingdom levels of African primitive societies (pp. 56-59). In pages 61-65, Walter establishes the potential for force to be used for maintenance of control. Walter reinforces and expands this position through his case studies—exhibiting the link between the power in society and the exercise thereof to control and subdue others from different family groups, bands, or tribes. On pages 62 and 68, Walter also identifies religion as a further defining factor



that can be related to these power centres, thus opening the door to Religious/Ethnic Terrorism. See also: Neumann, P (2009) pp. 8, 18, 83-88, 94-96.

[25] Wardlaw, G (1982), p. 12.

[26] See Easson, JJ and Schmid, AP, "Appendix 2.1 250-plus Academic, Governmental and Intergovernmental Definitions of Terrorism" in Schmid, AP (2011) pp. 98-144.

[27] For example, the US Department of Justice Report, "The National Security Division's International Terrorism and Terrorism-Related Statistics Chart" tracks the number and purpose of terrorist attacks in the US, the arrests, and any resulting convictions in the from 11 September 2001 to 18 March 2010 (See: <http://jnsllp.files.wordpress.com/2010/03/march-26-2010-nsd-final-statistics.pdf>). This report shows that Category II attacks (involving, among other results, the loss of life) totalled 240 out of 403 attacks, but those involving deaths or potential deaths from jihadist terrorism make up less than 3% of terrorist incidents in the US at that time. Additionally, the US National Counterterrorism Centre's "Worldwide Incidents Tracking System" website ( [https://wits.nctc.gov/FederalDiscoverWITS/index.do?t=Reports&Rcv=Victim&Nf=p\\_IncidentDate%7CGTEQ+20100101%7C%7Cp\\_IncidentDate%7CLTEQ+20101231&N=0](https://wits.nctc.gov/FederalDiscoverWITS/index.do?t=Reports&Rcv=Victim&Nf=p_IncidentDate%7CGTEQ+20100101%7C%7Cp_IncidentDate%7CLTEQ+20101231&N=0) ) report for 2010 shows clearly that worldwide, Muslims have suffered the brunt of jihadist attacks while the US, UK, and other western nations have escaped relatively unscathed. This is further supported by the US State Department's online publication, *Country Reports on Terrorism* (See: <http://www.state.gov/s/ct/rls/crt/2009/140884.htm> ).

[28] McAllister, B and Schmid, AP describing and summarising the works of Feldman and Hinojosa in their "Chapter 4. Theories of Terrorism", in Schmid, AP (2011), pp. 212-213

[29] However, lest the author be accused of oversimplifying these classifications and definitions, it is duly acknowledged that in seeking to establish terror through any particular act of violence, the actual act may not fall exclusively into one or another of the categories offered by Walter, *et al.* Some fit clearly within the categories while others may seem to be an element of two or more. For example, Religious/Ethnic Terrorism may have the characteristics of War Terrorism if the ultimate end is to destroy the target religion/ethnicity (e.g., The Holocaust). Suicide bombers may indicate Religious Terrorism (e.g., jihadists) or possibly War Terrorism (e.g., kamikaze attacks in the Pacific Theatre in World War II).

[30] A review, using more than 20 sources, of the perpetrators' published recordings from the subject attacks show clearly the themes mentioned. Those of 9/11, 7/7, and Madrid, however, revealed statements centred on the destruction of the targeted government or society.

[31] See: <http://www.start.umd.edu/gtd/> . Admittedly, the GDT is not the *entire* database of world-wide attempted and perpetrated attacks. Governments do not always release information regarding terrorist plots, attacks thwarted, or terrorist operations in progress but being monitored. However, it is reasonable to assume that if we make a comparison of those attacks related to Jihadist Terrorism in the GTD and the overall number of attacks listed, the representational percentage is unlikely to change in a positive manner in any significant amount. This assumption is logical because just as the raw number of Jihadist Terrorism incidents would increase with the addition of classified information, so would those from *all other sources combined*. Consequently, a complete data base of both classified and unclassified incidents in our identified area is unlikely to show an increase in the proportion of Jihadist terrorism beyond a few percentage points and might actually show a proportional *decrease* as a result of mathematical probabilities of categorical expansion.

[32] Homepage url: <http://www.start.umd.edu/start/>

[33] The advanced search criteria used to derive the statistics in this examination were: (a) From 11 September 2001 to 31 December 2010; (b) Within the geographical territory of the European Union (including Switzerland, Norway, Corsica, Gibraltar, Northern Ireland (as part of the UK), and the Isle of Man) and North America (Canada and the US only); (c) Criteria I, II, and III apply; (d) Ambiguous and unsuccessful attacks were included.

[34] See the GTD "Search Criteria" at: <http://www.start.umd.edu/gtd/search/>.

[35] There is an excellent historical background of the GTD and the development behind Criterion II in *The Routledge Handbook of Terrorism Research*. See: Bowie, Neil G and Schmid, Alex P, "Chapter 5. Databases on Terrorism" in Schmid, AP (2009), pp. 296-298.



[36] Holbrook, D, "Appendix 4.3 Al-Qaeda Communiqués by Bin Laden and Al-Zawahiri: A Chronology" in Schmid AP (2011), p. 286.

[37] Regarding the flight paths and distances covered, see *The 9/11 Commission Report*, Commission (2004), p. 33.

[38] Greenstock, J (2011)

[39] National Commission on Terrorist Attacks (2004), pp. 149-173.

[40] Walter, EV (1969), pp. 13-14.

[41] As suggested by Grant Wardlaw's discussion (pp. 12-17) of the topic and his critiques of Paul Wilkinson's works in this area.

[42] Neumann, P (2010), p. 18.

[43] *Ibid.*

[44] This aspect—an individual becoming a casualty in a Political Terrorism attack—may also be considered to be consistent with the tenets of Jihadist Terrorism in its political form, where the perpetrator commits to a suicide attack for political reasons. The key to this practical appraisal is that the attack will likely be small (or a small group) and less lethal than a military-style campaign.

[45] Assistant Commissioner Peter Clark, Head of the UK Counter-Terrorism Command in a 2007 speech, as cited by Hewitt, S (2008), p. 10. See also Neumann, P (2010), pp. 25-27.

[46] Neumann, P (2010), pp. 27-28.

[47] At this point, we must caution the reader that it is exceptionally simplistic, abhorrently superficial, and academically unsound to rely on the definition of the word *jihad* alone as part of our nomenclature exercise. The word itself can denote any part of a spectrum of possibilities from 'a struggle to reach enlightenment' to a 'holy war against one's enemy', with the latter (holy war) being among the more extreme interpretations. Ultimately, the meaning of *jihad* is framed by the fervour and beliefs of the individual. It is only when the individual chooses to apply a militant philosophy (i.e., war-like and 'holy war' characteristics) to the word that it results in extremist violence (terrorism) based on an extreme interpretation of the Qur'an. See: Randy Borum, "Chapter 2 Understanding Terrorist Psychology", *The Psychology of Counter-Terrorism*, Andrew Silke (ed.) (2011), pp. 25-27, for an examination of a path to militant terrorism. Borum cites Saucier's work (i.e., Saucier, et al. (2009), p. 259), and provides a superb discussion of the path to militant terrorism. This is, indirectly, is additional support for the proposed re-classification, but is beyond the immediate scope of this paper.

[48] It should be noted that the more extreme interpretation of *jihad* is that of 'holy war' and that within this context, a jihad can only result from a declaration (*fatwa*) issued by a senior Muslim cleric or council. It is interesting to note that since the 9-11 attacks, all of the major governing bodies of Islamic clerics have issued *fatwas* **against** suicide bombing and terrorism. It is only minor, extremist clerics—known less for their Qu'rannic knowledge than their religious fervour—who have issued such *fatwas*.

[49] Gregory, F, "Chapter 10 Police and Counter-terrorism in the UK, Homeland Security in the UK: Future Preparedness for Terrorist Attack Since 9/11" in Wilkinson, P. (ed.) (2007) pp. 203-247.

[50] See Peter Neumann's reflection on 'old versus new terrorism' with respect to territorial anchors and as referenced earlier in this paper.

[51] This aspect is often seen as a result of globalisation and the erosion of national sovereignty. While the effects of globalisation are relevant to our thesis, this is yet another area that is beyond the narrow focus of our paper. In our focused examination, the facts remain that when dealing with jihadist terrorism, there is a legal need to reach beyond the territorial borders of any one nation or political territory.

[52] Walter, EV (1969), p. 14.

[53] For excellent case studies in the radicalisation of individuals, see Fouda and Fielding's *Masterminds of Terror: the truth behind the most devastating attack the world has ever seen* (2003), pp. 48-51, 56-59, 81-87, et al.

[54] LoCicero, A and Sinclair S (2008), p. 15.



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